

Capital Community Television  
585 Liberty Street SE  
Salem, Oregon 97308-2342

Ms. Marilyn Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record our ex parte calls to FCC Commissioner offices. We stated our concerns to available staff, and received voice mail on some calls. Our comments are summarized as follows:

We are active members of the Alliance for Community Media and work with our colleagues in calling for competition without destruction of local, community-controlled media.

Salem, Oregon is the largest state capital city unserved by traditional local broadcast TV affiliates. In our community, the presence of commercial-free, community-based media is essential. CCTV provides:

- open government through live televising and streaming of meetings and 24-7 access to recorded meetings
- expanded educational opportunities to students and the schools
- unfettered, unedited access to the statements of political candidates
- technology training and access to distribution for community groups and individuals
- emergency information not carried on the cable company crawl

Cable television franchising provides the channel space and modest funding that enables all of this to happen. Our community provides more than 2000 hours of unique, local, original television programming each year to this state capital city. We are concerned that:

1) The changes being proposed to the law are dramatic. We say such changes to the law should be made by Congress, not the FCC. Congress has worked on this law and should make any changes that are needed. The changes the FCC is considering will slow competition by confusing the legal

framework. Such changes should be decided by law-makers, not the courts.  
The FCC should not usurp Congressional authority.

2) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement within 90 days, the provider can proceed without an agreement. They can then make billions of dollars using our public land without considering local needs. This framework would be unreasonable.

3) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Democratic participation should be for all, not based on a company business rule. The public-right-of-way is owned by all in our community, not just those in an area lucky enough to be served. We believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide these three elements:

- A) A standard for identifying imbalances in service.
- B) A party responsible for identifying the imbalance—logically, the municipality.
- C) A means for prevention or remedy of the imbalance.

4) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. We believe this is an arbitrary reduction which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key states such as California and Texas. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

We look forward to working with the FCC to establish a process that supports both competition and community fairness. Please contact us if you have questions or comments.

Sincerely,

Alan Bushong, CCTV Executive Director  
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Salem, Oregon 97308-2342

CC: Christina Pauze  
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Senator Ron Wyden  
Senator Gordon Smith  
Representative Darlene Hooley